Present

App. F. IX-4

Previous References

1933.
(Murzai)

File No. 125-33

Serial Nos. 2, 3 & 6

Later References

General and Revenue Secretariat.

Serial Nos. 2

Part B for December 33

SUBJECT.

Resolution to be moved in L.C. meeting
Dec 1933 re amendment to Section 30 clau
17 Mysore Charitable Endowments Act 1927

Ordered to be filed

General and Revenue
Secretariat

File No.

of 193 .

Office of the Secretary, Mysore Legislative Council,

Bangalore, Dated, 24 11 1932

GEN. & REV. SECTT.
6 DEC 6
NOV 1933

MEMO.

The accompanying resolution (s) received from the members of the Legislative Council for being moved at the ensuing session of the Council is are forwarded in advance to the Imperial Branch for necessary action.

Should any resolution (s) be disallowed by the President, the same will be intimated in due course. Officers who will be in charge of the resolution (s), if moved, may kindly be intimated before 13.12.33.

Secretary, Mysore Legislative Council.

Serial No.

5

I. Leland for Robertson.

15/12

The Minister is for personal
It would perhaps be better to

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-3.

Resolution No 73 - Legs Council

File No. of 193 . | General and Re Secretariat

Consult the Law Deptt before the Resolution is accepted.

16/12/33

Secn 1
16
No. 3.6.9.4

2nd Mr)

16/12

16/12

16/12

Asstt Secy Law Deptt with Compts)

16/12

The Resolution if accepted would mean the curtailment of the powers of a Mathadhipati to a great extent even in respect of properties other than inam lands granted by Govt. Under the law as now in force, the Mathadhipati can for legal necessity sell or mortgage the Mutt property. Even alienations otherwise made, are not void ab initio but only voidable at the option of his Successor.

Sec 30 of Reg VII of 1927 restricts the powers of alienation ete possessed by the Mathadhipati ~~in res~~ only in respect of inam lands granted by Govt. It is not concerned with lands or other property belonging to the Mutt. Such property may have come to the Mutt in various ways and it is not easy to fix one uniform rule for all such property.

3309/33

General and Revenue Secretariat / Mad File No. 125 of 1933 [App. F. III—2

Serial No.

10 Moreover when lands are endowed to the Mutt by private persons, it is quite open to the donors to create an express trust of it and thus prevent the property for being misused for other purposes by the mathadhipathi. The rights of a mathadhipathi in property acquired by gift mainly depends on the terms of the gift and it is not clear why it is necessary to bring such property under sec 30 of Reg VII of 1927.

219/Laws

11 The question is whether it is desirable to take away by means of legislation all powers of alienation now possessed by mathadhipathis in respect of immoveable property other than inam lands, belonging to the Mutts. The acceptance or otherwise of the Resolution has to depend on the view Govt wish to take on this question.

Asst Secy, Revenue
With Compts

DRM
18/12/33

Reference para 6 ante. Supra. (Infra pp 8 & 11 of Board)
Legal opinions against the acceptance of the resolution.

~~Reference para 6 ante. Supra. (Infra pp 8 & 11 of Board)~~
~~Legal opinions against the acceptance of the resolution.~~
~~Hubli. for orders~~

A.C. Lacy)
2 nd MW)

Kelly
18/12/33

Mr Spreed
18/12

19/12

2

NOTE—Contd Sheet.

File No. of 193 General and Secretariat

The L.C Office is requested to note if this Resolution was taken up at the meeting and if so, with what result

Support L.C Office with compliments

23/12

This resolution was not taken up.

28/12 (Mr. Butler with comments)

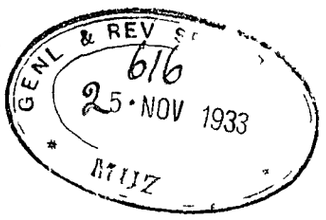
The papers will therefore be filed

27/12

27/12/33

GOVERNMENT

The ysore Legislative Council
December 1933



Resolutions.

Legs 125-33-2

No. 73.- That this Council recommends to the Government of His Highness the Maharaja that section 33, of clause 1 of the Mysore Charitable Endowments Act 1927, be amended so as to include lands gifted by private persons as well in addition to those granted by the Government.

Mover.- Mr K. Chengalaraya Reddy.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 29th November 193 3

No. H. 771 Miscl 125-33-3

From The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

I am directed to forward herewith copy of Resolution No.73 regarding the amendment of clause 1 of Section 30 of the Mysore Religious and Charitable Institutions Regulation of 1927 proposed to be moved by Mr.K.Chengalaraya Reddy at the ensuing session of the Legislative Council to be held in December 1933 and to request you be ~~informed~~ favoured with a note in the matter before the 5th proximo.

I have the honor to be,
Sir,
Your most obedient servant,

Financial Secretary to Government.

S.R.2

Hon Mr. K. Chengalaraya

G—1]

UBJECT .....

.....

.....

Section Mis

File No. 125-32

Serial No. 3

Diary No. of letter replied to .....

No. 771 Home

To

The Revenue Commr.

General and Revenue Secretariat

( )

the *193* .

Sir,

Date of issue 30/11/33

I am directed to forward herewith copy of Resolution No. 73 regarding the amendment of clause 1 of section 30 of the Mysore Religious & Charitable Institutions Regulation of 1927 proposed to be moved by Mr. K. Chengalaraya Reddy at the ensuing Session of the Legislature to be held in December 1933. & to request to be favoured with a note in the matter before the 5th proximo.

I have &c

29/11

For Pl Sec

Signed by [illegible]

List of enclosures .....

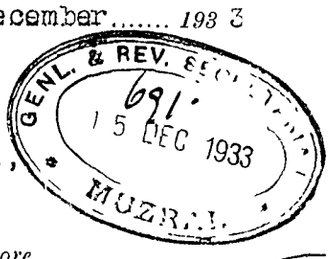
Copied by .....

Examined by .....

WD 0677—GPB—15,000—8-11-33

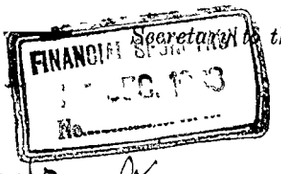
OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,..15th..December..... *193* 3



FROM N. Madhava Rau, Esq., P.A., B.L.,
~~S. HIRIANNAIYA, Esq., M.A., B.L.~~,
Muzrai Commissioner in Mysore,
Bangalore.

To S. Shamanna, Esq., P.A., Misc 125-33-3 16.



Secretary to the Government of His Highness
the Maharaja of Mysore,
F..i..n..a..n..c..i..a..l ...*Department.*

SIR,

With reference to your letter No.771/Muz.125-33-3 dated 30th November 1933, I have the honor to forward herewith a Note regarding the amendment of Clause 1 of Section 30 of the Mysore Religious and Charitable Institutions Regulation.

I have the honor to be,

Sir,

Your most obedient servant,

N Madhava Rau

Muzrai Commissioner.

N O T E.

Re: amendment of Section 30 (1) of the Mysore Religious Charitable Institutions Regulation of 1927.

The Mover of the Resolution recommends that Clause 1 of Section 30 may be amended so as to include lands gifted by private persons in addition to those granted by Government. I think the resolution may be accepted in principle, the actual form of amendment being reserved for consideration in the Legislative Department. It would appear that, under existing law, the alienation of property endowed to a Matha enures only for the lifetime of the Mathadhipathi who made the alienation and it is open to his successor to sue in a proper court and have it set aside. The effect of the amendment now proposed would be to make the alienation null and void ab initio and to empower Muzrai Officers to set aside such alienation.

MUZRAI COMMISSIONER.